

REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

The specification has been amended on pages 1-3.

Claims 1-9 have been amended and claims 10-17 have been added.

A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-17 are now pending in this application.

Specification

The Office notes on page 2 of the Office Action that the specification does not include section headings. The specification has been amended to add section headings where appropriate and to conform with U.S. practice.

Rejection under 35 U.S.C. § 112

Claims 4-8 are rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. The Office asserts on page 3 of the Office Action that claims 4-7 recite an orientation and position of the flaps but that the specification or claims do not teach how the orientations or positions are made. The claims have been amended to conform to U.S. practice. Applicant submits that these claim amendments do not narrow the scope of the claims and that one of ordinary skill in the art would be able to determine the scope of the claims. Furthermore, Applicant submits that Applicant's disclosure provides support for the features recited in the claims. For example, the disclosure discusses examples of various cooling operations on page 3, line 14, to page 4, line 8, of the specification and in Figures 1-3. Reconsideration and withdrawal of this rejection is respectfully requested.

Rejection under 35 U.S.C. § 103 – Edberg & Adasek

Claims 1 and 2 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 2,530,158 to Edberg (hereafter "Edberg") in view of U.S. Patent No. 5,186,237 to Adasek *et al.* (hereafter "Adasek"). This rejection is respectfully traversed.

It would not have been obvious to one of ordinary skill in the art to modify the apparatus of Edberg by the teachings of Adasek to provide the device of claim 1.

A basic requirement of a *prima facie* case of obviousness is that a prior art reference, or prior art references when combined, must teach or suggest all of the claim limitations. See M.P.E.P. §§ 2143, 2143.03.

Here, the combination of Edberg and Adasek does not teach or suggest all of the features of claim 1 because this combination does not teach or suggest a device comprising, among other things, a duct including three duct branches and two flaps, “wherein the duct branches form respective front ends of the duct branches in a longitudinal direction of the device, wherein the flaps are located at the front end of the duct branches,” as recited in claim 1. Therefore, claim 1 is not unpatentable over the combination of Edberg and Adasek.

Furthermore, a proposed modification cannot render the prior art unsatisfactory for its intended purpose. See M.P.E.P. § 2143.01, Part V. Nor can a proposed modification change the principle of operation of a reference. See M.P.E.P. § 2143.01, Part VI.

As discussed in more detail below, Edberg teaches against a modification that would move the dampers 22, 22’ to a front end of the duct 12 of Edberg. Edberg teaches that the dampers 22, 22’ must be located immediately in front of a lower half of the evaporator 11 to prevent re-evaporation of a condensate so that a loss in latent heat removal and a loss of performance for an air conditioning system is avoided. Thus, Edberg teaches away from a modification that would move dampers 22, 22’ from a position located immediately in front of the lower half of the evaporator 11.

Edberg discloses an air conditioning apparatus that includes a radiator 10, an evaporator 11, a duct 12, filter pads 16, and a humidifier 17. See col. 2, line 54, to col. 3, line 9, and Figure 1 of Edberg. Edberg teaches that when an air conditioning system is operating on reduced, or half input, an upper half of the evaporator functions to cool air, causing condensate removed from cooled air to form on the upper half of the evaporator. See col. 1, lines 33-52, of Edberg. This condensate then drips or trickles from the upper half to the lower half of the evaporator where relatively warm air is flowing. See col. 1, lines 46-52, of Edberg. The relatively warm air causes the condensate to be re-evaporated, which causes a loss in the latent heat removal and a loss of performance for the air conditioning system. See col. 1, lines 46-53, of Edberg. To solve this problem, Edberg discloses a pair of shutters or

dampers 22, 22' located immediately in front of the evaporator 11 for blocking a flow of air over a lower half of the evaporator 11. See col. 3, lines 67-74, of Edberg.

However, as noted on page 4 of the Office Action, Edberg does not teach or suggest a duct with three duct branches, as recited in claim 1. Nor does Edberg teach or suggest a device comprising, among other things, a duct including three duct branches and two flaps, "wherein the duct branches form respective front ends of the duct branches in a longitudinal direction of the device, wherein the flaps are located at the front end of the duct branches," as recited in claim 1. Edberg teaches that the dampers 22, 22' are located immediately in front of the evaporator 11, not located at a front end of the duct 12.

Adasek discloses a tri-zone heating, ventilating, and air conditioning (HVAC) system 10 that includes a blower 12 with an intake 14, an evaporator 38, a heater core 40, and three ducts 26, 28, 30 that extend to discharge vents in a driver side zone, a front passenger side zone, and a rear passenger zone, respectively. See col. 2, lines 12-40, and Figure 2 of Adasek. A temperature door 44 is provided for bypassing the heater core 40 and a door 52 is provided to control the flow of air discharged through the ducts. See col. 2, lines 61-66, and Figure 2 of Adasek. However, Adasek does not teach or suggest a device comprising, among other things, a duct including three duct branches and two flaps, "wherein the duct branches form respective front ends of the duct branches in a longitudinal direction of the device, wherein the flaps are located at the front end of the duct branches," as recited in claim 1. Adasek does not teach or suggest any flaps that are located at a front end of the system formed by ducts 26, 28, 30.

Reconsideration and withdrawal of this rejection is respectfully requested, for at least the reasons discussed above.

Rejection under 35 U.S.C. § 103 – Edberg, Adasek, & Brown

Claims 3-9 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Edberg in view of Adasek as applied to claim 2, and further in view of U.S. Patent No. 4,759,269 to Brown *et al.* (hereafter "Brown"). This rejection is respectfully traversed.

Brown discloses a multizone air conditioning system that can provide an air flow to a driver occupying zone 22, another air flow to a passenger occupying zone 24, and air flows to

two additional passenger zones 23, 25. See col. 4, lines 29-39, and Figure 1 of Brown. The air conditioning system includes an inlet 26, a blower 30, an evaporator 38, and a diverter door 36 that directs air flow through a distribution system for the driver or air flow through a distribution system for passengers. See col. 4, lines 54-68; col. 5, lines 18-24; and Figure 2 of Brown. Additional doors 42, 44, 50, 52 are provided downstream of the diverter door 36. See col. 5, lines 25-27, 42-53, and Figure 2 of Brown.

However, Brown does not teach or suggest a device comprising, among other things, a duct including three duct branches and two flaps, “wherein the duct branches form respective front ends of the duct branches in a longitudinal direction of the device, wherein the flaps are located at the front end of the duct branches,” as recited in claim 1. Therefore, Brown does not remedy the deficiencies of Edberg and Adasek discussed above in regard to independent claim 1, from which claims 3-9 depend. Reconsideration and withdrawal of this rejection is respectfully requested.

New Claims

New claims 10-17 have been added.

Claims 10 and 11 depend from claim 1 and are allowable over the prior art for at least the reasons discussed above and for their respective additional recitations.

Claim 13 recites a device for regulating an air supply comprising, among other things, a duct including a plurality of duct branches, a plurality of flaps, and an evaporator that includes a cold accumulator in a middle region of the evaporator. The prior art references do not teach or suggest a device with all of the features recited in claim 13. Nor do the prior art references teach or suggest such a device, “wherein the flaps are configured to provide three different types of cooling operation for the device as a function of positions of the flaps,” as recited in claim 13. Claims 14-17 depend from claim 13 and are allowable over the prior art for at least the same reasons as claim 13 and for their respective additional recitations.

CONCLUSION

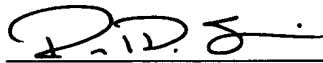
Applicants submit that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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By 

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